

SHUMAKER & SIEFFERT, P.A.  
8425 SEASONS PARKWAY, SUITE 105  
ST. PAUL, MINNESOTA 55125  
TEL 651.735-1100  
FAX 651.735-1102  
WWW.SSIPLAW.COM

RECEIVED  
CENTRAL FAX CENTER

JAN 02 2007

---

FACSIMILE SUBMISSION UNDER 37 CFR 1.8

---

TO:	Mail Stop Amendments Examiner Jeffrey Gerben Hoekstra	FROM:	Jason D. Kelly
COMPANY:	U.S. Patent & Trademark Office	DATE:	JANUARY 2, 2007
FAX NUMBER:	571-273-8300	TOTAL NO. OF PAGES INCLUDING COVER:	3
PHONE NUMBER:		SENDER'S REFERENCE NUMBER:	1023-362US01
RE:	Supplemental Information Disclosure Statement	APPLICATION SERIAL NUMBER:	10/825,955

---

**RECEIVED**  
**CENTRAL FAX CENTER**

JAN 02 2007

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Kenneth T. Heruth; Keith A. Miesel	Confirmation No.	8230
Serial No.:	10/825,955	Filed:	April 15, 2004
Examiner:	Jeffrey Gerben Hoekstra	Group Art Unit:	3736
Docket No.:	1023-362US01	Customer No.:	28863
Title:	COLLECTING ACTIVITY AND SLEEP QUALITY INFORMATION VIA A MEDICAL DEVICE		

CERTIFICATE UNDER 37 CFR 1.8 I hereby certify that this correspondence is being transmitted via facsimile to the United States Patent and Trademark Office on January 2, 2007.

By: Shirley A. Bettlach

Name: Shirley A. Bettlach

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Mail Stop Amendments  
Commissioner for Patents  
Alexandria, VA 22313-1450

Dear Sir:

Applicant submits the reference listed on the attached form PTO-1449. This Information Disclosure Statement is being filed after a first Office Action on the merits but before a Notice of Allowance or a Final Rejection.

A copy of the U.S. patent is not enclosed as this requirement has been waived by the U.S. Patent Office.

Please charge Deposit Account No. 50-1778 the amount of \$180.00 to cover the required fee set forth in §1.17(p) for a large entity. Please apply any other charges or credits to Deposit Account No. 50-1778.

Respectfully submitted,

Date: 1-2-07

Shumaker & Sieffert, P.A.  
8425 Seasons Parkway, Suite 105  
St. Paul, Minnesota 55125  
Phone: (651) 735-1100  
Fax: (651) 735-1102

Jason D. Kelly  
By: Jason D. Kelly  
Reg. No. 54,213

01/03/2007 NHUYEN1 02300109 501778 10025955  
01 FC:1006 100.00 DA

JAN 02 2007

Date Mailed: January 2, 2007

Page 1 of 1

Form 1449*		Docket Number: 1023-362US01		Application Number: 10/825,955	
<b>INFORMATION DISCLOSURE STATEMENT</b>  <b>IN AN APPLICATION</b>  (Use several sheets if necessary)		Applicant: Kenneth T. Heruth; Keith A. Miesel			
		Filing Date: April 15, 2004		Group Art Unit: 3736	
		Examiner Name: Jeffrey Gerben Hoekstra			
<b>U.S. PATENT DOCUMENTS</b>					
Examiner Initial	Document Number	Issue/Document Publication Date	Name		Filing Date If Appropriate
	5,514,162	05/07/1996	Bornzin et al.		
	2004/0111040 A1	06/10/2004	Ni et al.		
	6,890,306 B2	05/10/2005	Poezevera		
<b>FOREIGN PATENT DOCUMENTS</b>					
Examiner Initial	Document Number	Publication Date	Country	Translation	
				Yes	No
<b>OTHER DOCUMENTS (Including Authors, Title of Item, Page(s), Vol/Issue No., Publisher, Place of Publication)</b>					
<b>EXAMINER</b>			<b>Date Considered</b>		
<small>*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.</small>					